

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1PET (1738) FAX (602) 364-1039

VETBOARD.AZ.GOV

RECEIVED

FEB 22 2022

Initial: JP

COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: FEB. 22, 2022 Case Number: 22-95

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. Kurth  
Premise Name: Queen Creek Veterinary Clinic and PetSoft  
Premise Address: 20201 East Octillo Rd  
City: Queen Creek State: AZ Zip Code: 85142  
Telephone: 480-987-8000

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT\*:

Name: Phillip Kuchler

[REDACTED]  
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]  
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

\*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

**C. PATIENT INFORMATION (1):**

Name: Adobe Kuchler  
Breed/Species: Jack Russell Terrier Canine  
Age: 14 y Sex: Male Color: Brown and white

**PATIENT INFORMATION (2):**

Name: \_\_\_\_\_  
Breed/Species: \_\_\_\_\_  
Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Color: \_\_\_\_\_

**D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:**

Please provide the name, address and phone number for each veterinarian.

- ① Dr. Sherif Louis, Pet Doctor of Chandler  
4811 South Arizona Avenue Chandler  
AZ 85248, Phone 480.681.6866  
② Dr. Marlene Hanzl, Easy Vet Clinic of  
San Tan Valley, 40601 N. Gantzel Rd., Suite 102  
Queen Creek, AZ 85140 Ph 480.757.9107

**E. WITNESS INFORMATION:**

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

**Attestation of Person Requesting Investigation**

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Adobe Kuchler  
Date: 02/17/22

F. **ALLEGATIONS and/or CONCERNS:** I am requesting reimbursement of fees. Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

I delivered Adobe Kuchler on the morning of September 3, 2021 to Queen Creek Vet claiming for his Dental cleaning. I picked him up that afternoon. No one discussed anything about the procedure, I paid for the service. Adobe presented well.

When I arrived home and observed Adobe licking his Left rear abdomen. Taking a closer look I observed two wounds that appeared to have been caused by a sharp object while at the vets. The wounds seemed superficial, however over the course of several days grew worse. I called the vet and complained, the vet had no response.

Adobe developed Valley Fever as a result of this deliberate Act in these wounds. Adobe was tested and is on medication.

Adobe has a preexisting heart murmur.

March 5, 2022

In re: 22-95 (Makenzie Kurth, DVM)

Veterinarian: Dr. Makenzie Kurth, DVM

Technicians: Ashlyn Colapietro, Karla Carrillo, Kaysten Harrell. Ashlyn and Karla can be reached at Queen Creek Vet 480-987-8000. Kaysten H can be reached at [REDACTED]

Owner Mr. Kuchler called to request a dental cleaning for his dog, Adobe. Our earliest available initially had him scheduled Nov 4<sup>th</sup>, 2021 but the owner requested a sooner dental date and we had a cancellation and got him in for the cleaning on September 3<sup>rd</sup> 2021. Upon check in O brought vaccine history and signed our Client Information Sheet noting that Adobe had no known allergies or pre-existing conditions. When speaking with a technician (Ashlyn), while filling out surgery admission paperwork he verbally told her that P had a right rear ACL tear, previously had valley fever, a heart murmur and asthma or collapsing trachea. Ashlyn noted this information in the medical record.

Adobe's dental was routine except a few loose teeth that fell out upon cleaning. O signed surgery discharge paperwork for home care and P was sent home at approximately 5pm. A receptionist (Celeste) called 3 days later to check on how Adobe was doing post dental and left a message for the owner to call back with any questions or concerns.

Mr. Kuchler called 7 weeks later requesting to talk to only Dr. Kurth. She returned his call the next morning. Dr. Kurth answered Mr. Kuchler's questions regarding Adobe's blood work. Mr. Kuchler then informed Dr. Kurth about the wound he recently noted describing it as a wound/abrasion on abdomen/left side where hind quarter meets abdomen - puncture wound-like that he believed to be caused by the dental cleaning. He then stated that Adobe had had skin VF in the past in that area so he took him to get tested at another clinic recently - Positive IgG, negative IgM, and a # (o couldnt remember). Mr Kuchler said that Adobe was now back on fluconazole and the area in question had improved and sealed.

At the time, Mr. Kuchler was just curious if the anesthesia hastened the reoccurrence of the Valley Fever and caused the wound. Dr. Kurth explained that it would be very unlikely for the anesthesia to suddenly, the day of, cause the wound. Anesthesia can throw the immune system off, but would expect that a lesion would show up a few weeks to months later. Discussed that the skin valley fever patients often cannot stay off of fluconazole as it tends to come back. I suspect that the timing was mostly coincidental. O was very thankful for the information and had no further q/c.

We have not had any additional communication with Mr. Kuchler since October 27<sup>th</sup> 2021.

It is my position that while Adobe was previously under treatment for valley fever, he may have been in remission when brought in for his dental cleaning. Mr. Kuchler wrote that there were no pre-existing conditions on his information form leading me to believe that there was not a current valley fever infection and he was a safe candidate for surgery. While it is unfortunate that his valley fever returned soon after the dental cleaning, it was not caused by his procedure. I would also assume that if there was a wound noticed immediately following his procedure that Mr. Kuchler would have notified us immediately and not almost two months later.

In closing, I stand behind the veterinary care we provided in this case and request that this Complaint be dismissed with no violation.

Respectfully Submitted,

Makenzie Kurth, DVM

**DOUGLAS A. DUCEY**  
- GOVERNOR -



**VICTORIA WHITMORE**  
- EXECUTIVE DIRECTOR -

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### **INVESTIGATIVE DIVISION REPORT**

**TO:** Arizona State Veterinary Medical Examining Board

**FROM:** Investigative Division

**RE:** Case: 22-95

Complainant(s): Phillip Kuchler

Respondent(s): Makenzie Kurth, DVM (License: 6727)

#### **SUMMARY:**

Complaint Received at Board Office: 2/22/22

Board Discussion: 4/20/22

#### **APPLICABLE STATUTES AND RULES:**

Laws as Amended August 2018  
(Lime Green); Rules as Revised  
September 2013 (Yellow).

On September 3, 2021, "Adobe," a 14-year-old male Jack Russel Terrier was presented to Respondent for a dental procedure. The dental was performed and the dog was discharged later that day.

Complainant stated that after arriving home the dog was licking the left side of his abdomen. Upon taking a closer look, the dog had two wounds that appeared to be caused by a sharp object. The wounds worsened over the next several days.

Complainant stated that the dog developed Valley Fever in the wounds as a result of a deliberate act at the time of the dental procedure.

Information was received that the dog had Valley Fever since 2016 and Complainant was not consistently giving the dog the prescribed fluconazole.

**PROPOSED 'FINDINGS of FACT':**

1. In May 2019, the dog was presented to Dr. Hanzi at Easy Vet Clinic for fainting. Complainant reported that the dog was Valley Fever positive since 2016 and the first obvious symptom was a skin lesion. The dog was being given Fluconazole to treat the Valley Fever infection. Complainant thought the dog's fainting was due to the Fluconazole administration therefore discontinued the medication.
2. Dr. Hanzi examined the dog and discovered a significant heart murmur and explained the episodes could be a result of cardiac syncope and recommended a cardiac work-up. Blood work confirmed the dog was Valley Fever positive. Complainant ultimately did not follow up with cardiac work up, nor did he return for follow up blood work to refill the Fluconazole.
3. Complainant called Respondent's premises to schedule a dental cleaning for his dog. The appointment was made for November 4, 2021. Due to a cancelation, Respondent was able to get the dog in sooner.
4. On September 3, 2021, the dog was presented to Respondent for a dental cleaning. Complainant completed the Client Information Sheet and brought proof of vaccine history. He reported on the form that the dog had no allergies or pre-existing conditions; however when staff was filling out the surgery admission paperwork, Complainant verbally advised staff that the dog had a right ACL tear, a heart murmur, asthma, a collapsing trachea and previously had Valley Fever.
5. The dog was examined and a grade 3-4/6 was noted on the Anesthesia and Surgical Report – the medical record stated: "Heart: No murmurs...". All other systems were noted as normal. Blood work was performed and the dog was deemed a surgical candidate. An IV catheter was placed; the dog was started on IV LRS, pre-medicated with butorphanol and midazolam, induced with propofol, and maintained on gas (type unknown) and oxygen for the dental procedure.
6. Dental imaging was performed. The dog's teeth were cleaned, polished, and treated with fluoride. It was noted on the surgical monitoring sheet that teeth 301 and 401 fell out – this is not recorded in the body of the medical record. Later that day, the dog was discharged to Complainant.
7. On October 12, 2021, the dog was presented to Dr. Hardt at Pet Doctor for Valley Fever testing. At that time, there were no signs or symptoms of an active systemic infection. Complainant reported that the dog had a wound that ruptured in September and the wound was minimal. The dog was examined, what appeared to be a hotspot was noted on the left flank. Blood work was performed and revealed the dog was Valley Fever positive (1:4) and was placed back on Fluconazole.
8. Complainant had reported in an email to Dr. Hardt that the dog had Valley Fever in his left

hip since 2016. The dog had a cyst that needed draining at least four times which had finally subsided in 2020.

9. On December 14, 2021, the dog was presented to Dr. Hanzi for Valley Fever recheck and fainting episodes. Complainant reported that skin lesions had started to heal after restarting Fluconazole but was discontinued again after the fainting episodes recurred. Skin cytology and blood work was declined. Dr. Hanzi recommended cardiac work-up and provided referral information.

10. In January 2022, Complainant requested a refill of Fluconazole from Dr. Hanzi. She provided a one month supply until the dog could be brought in for blood work and an exam.

11. Respondent stated that Complainant called approximately 7 weeks after the dental procedure to report the dog had a wound on the left side of his abdomen, similar to a puncture wound, and believed it was caused by the dental cleaning. Complainant saw the wounds shortly after arriving home from the dental cleaning but did not call Respondent at that time. He claimed that the dog developed Valley Fever in these wounds as a result of a deliberate act that occurred during the dental cleaning.

12. Complainant reported that the dog had Valley Fever in that area in the past therefore he took him to another clinic for testing. The dog was put back on Fluconazole and the area in question improved.

13. At that time, Respondent stated Complainant was curious if the anesthesia hastened the reoccurrence of the Valley Fever and caused the wound. Respondent explained that it would be unlikely for the anesthesia to suddenly, the day of, cause the wound. She further stated that anesthesia can throw off the immune system and patients with skin Valley Fever often cannot stay off Fluconazole as it tends to return. Respondent suspected the timing was likely coincidental.

*The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.*

TR

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Tracy A. Riendeau, CVT  
Investigative Division